

**RESOLUTION NO. 2011- 99**

**A RESOLUTION FIXING THE DATE, TIME AND PLACE FOR THE PUBLIC HEARING FOR APPROVING THE SPECIAL ASSESSMENT (NON-AD VALOREM ASSESSMENT) TO BE LEVIED AGAINST THE PROPERTIES WITHIN THE PELICAN BAY MUNICIPAL SERVICE TAXING AND BENEFIT UNIT FOR MAINTENANCE OF THE WATER MANAGEMENT SYSTEM, BEAUTIFICATION OF RECREATIONAL FACILITIES AND MEDIAN AREAS, AND MAINTENANCE OF CONSERVATION OR PRESERVE AREAS, AND ESTABLISHMENT OF CAPITAL RESERVE FUNDS FOR AMBIENT NOISE MANAGEMENT, THE MAINTENANCE OF CONSERVATION OR PRESERVE AREAS, INCLUDING THE RESTORATION OF THE MANGROVE FOREST PRESERVE AND TO FINANCE THE LANDSCAPING BEAUTIFICATION OF ONLY THAT PORTION OF U.S. 41 FROM PINE RIDGE ROAD TO VANDERBILT BEACH ROAD, BERMS, STREET SIGNAGE REPLACEMENTS WITHIN THE MEDIAN AREAS AND LANDSCAPING IMPROVEMENTS TO U.S. 41 ENTRANCES, ALL WITHIN THE PELICAN BAY MUNICIPAL SERVICE TAXING AND BENEFIT UNIT.**

**WHEREAS**, the Board of County Commissioners adopted Collier County Ordinance 2002-27, as amended, creating the Pelican Bay Municipal Service Taxing and Benefit Unit (hereinafter "Unit") for the purpose of providing street lighting, water management, ambient noise management, extraordinary law enforcement service and beautification, including but not limited to beautification of recreational facilities, sidewalk, street and median areas, identification markers, the maintenance of conservation or preserve areas, including the restoration of the mangrove forest preserve and to finance the landscaping beautification of only that portion of U.S. 41 from Pine Ridge Road to Vanderbilt Beach Road; and

**WHEREAS**, Section 197.3632, Florida Statutes, requires that a public hearing be held to adopt a Non-ad Valorem Assessment Roll for purposes of utilizing the uniform method of collection.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:**

**SECTION ONE.** This Resolution is adopted pursuant to the provisions of Ordinance No. 2002-27, as amended, and other applicable provisions of law.

**SECTION TWO.** It is hereby found and determined that a Special Assessment which includes the establishment of Capital Reserve Funds for ambient noise management, the maintenance of the water management system, beautification of recreational facilities and median areas, and maintenance of conservation or reserve areas within the Pelican Bay Municipal Service Taxing and Benefit Unit is necessary for funding the required payments for the operation, repair and maintenance of the water management system, beautification of recreational facilities and median areas, and maintenance of conservation and preserve areas, including the restoration of the mangrove forest preserve during Fiscal Year 2011-2012.

**SECTION THREE.** A public hearing before the Board of County Commissioners on the Preliminary Assessment Roll (Non-ad Valorem Assessment Roll) of the estimated costs, including Capital Reserve Funds for the maintenance of conservation or preserve areas, U.S. 41 berms within the boundaries of the Unit, street sign replacements within the median areas, ambient noise management, landscaping improvements within the boundaries of the Unit, landscaping improvements to the U.S. 41 entrances within the boundaries of the Unit, the maintenance of the water management system, and beautification of recreation facilities and median areas, during Fiscal Year 2010-2011 between the County and each property owner of land within the Pelican Bay Municipal Service Taxing and Benefit Unit will be held on **Thursday, September 8, 2011 at 5:05 P.M.** at The Collier County Government Center 3299 East Tamiami Trail, Board Room, Third Floor, W. Harmon Turner Building, Naples, Florida, at which time the Board of County Commissioners will hear objections of the owners of the properties within the Pelican Bay Municipal Service Taxing and Benefit Unit or other persons interested therein, to the adoption of the

Preliminary Assessment Roll (Non-ad Valorem Assessment Roll). The Clerk shall keep a record in which shall be inscribed, at the request of any person, firm or corporation having or claiming to have any interest in any lot or parcel of land within the Unit, the name and post office address of such person, firm or corporation, together with the brief description or designation of such lot or parcel. The Clerk shall cause the notice of such public hearing to be published one time in the Naples Daily News, a newspaper published in Collier County and circulating in the Unit, not less than twenty (20) days prior to said date of the hearing. Notice of such public hearing to consider the adoption of the Preliminary Assessment Roll (Non-ad Valorem Assessment Roll) shall also be mailed first class mail to all the property owners on the Preliminary Assessment Roll (Non-ad Valorem Assessment Roll) at the address provided for on said roll.

**SECTION FOUR.** Notice of such hearing shall be in substantially the following form:

#### **NOTICE**

Notice is hereby given that the Board of County Commissioners of Collier County, Florida, will meet on **Thursday, September 8, 2011 at 5:05 P.M.** at The Collier County Government Center, 3299 East Tamiami Trail, Board Room, W. Harmon Turner Building, Third Floor, Naples, Florida, for the purpose of hearing objections, if any, of all interested persons to the adoption of the Preliminary Assessment Roll (Non-ad Valorem Assessment Roll) allocating the assessable costs including Capital Reserve Funds for ambient noise management, the maintenance of conservation or preserve areas, including the restoration of the mangrove forest preserve and to finance the landscaping beautification of only that portion of U.S.41 from Pine Ridge Road to Vanderbilt Beach Road; U.S. 41 berms within the boundaries of the Unit, street sign replacements within the median areas, landscaping improvements within the boundaries of the Unit, landscaping improvements to the U.S. 41 entrances within the boundaries of the Unit, the maintenance of the water management

system, and beautification of recreation facilities and median areas within the Pelican Bay Municipal Service Taxing and Benefit Unit which comprises and includes those lands described as follows:

A tract of land being in portions of Sections 32 and 33, Township 48 South, Range 25 East; together with portions of Sections 4, 5, 8 and 9, Township 49 South, Range 25 East, Collier County, Florida, being one and the same as the lands encompassed within the Pelican Bay Municipal Service Taxing and Benefit Unit, the perimeter boundary of same more particularly described as follows:

Commencing at the Southeast corner of said Section 33; thence South 89 degrees 59 minutes 50 seconds West along the South line of Section 33 a distance of 150.02 feet to a point on the West right-of-way line of U.S. 41 (State Road 45), said point also being the Point of Beginning; thence Southerly along the West right-of-way line of said U. S. 41 (State Road 45) the following courses: South 00 degrees 58 minutes 36 seconds East a distance of 2.49 feet; thence South 00 degrees 55 minutes 41 seconds East a distance of 3218.29 feet; thence South 01 degrees 00 minutes 29 seconds East a distance of 3218.56 feet; thence South 00 degrees 59 minutes 03 seconds East a distance of 2626.21 feet; thence South 01 degrees 00 minutes 18 seconds East a distance of 2555.75 feet to a point on the North right-of-way line of Pine Road as recorded in D.B. 50, Page 490, among the Public Records of said Collier County; thence departing said U.S. 41 (State Road 45) South 89 degrees 09 minutes 45 seconds West along said North right-of-way line a distance of 2662.61 feet; thence South 00 degrees 51 minutes 44 seconds East a distance of 70.00 feet to a point on the North line of Seagate Unit 1 as recorded in Plat Book 3, Page 85 among said Public Records; thence South 89 degrees 09 minutes 45 seconds West along said North line of Seagate Unit 1 and the South line of said Section 9 a distance of 2496.67 feet to the Southwest corner of said Section 9; thence continue South 89 degrees 09 minutes 45 seconds West a distance of 225 feet more or less to a point on the mean high water line established May 15, 1968; thence a Northwesterly direction along said mean high water line a distance 15716 feet more or less; thence departing said mean high water line South 80 degrees 29 minutes 30 seconds East and along the Southerly line of Vanderbilt Beach Road (State Road 862) as recorded in D.B. 15, Page 121 among said Public Records a distance of 7385 feet more or less to a point on said West right-of-way line of U. S. 41 (State Road 45); thence South 00 degrees 58 minutes 36 seconds East along said West right-of-way line a distance of 2574.36 feet to the Point of Beginning.

A copy of the Preliminary Assessment Roll (Non-ad Valorem Assessment Roll) for each lot or parcel of land to be assessed is on file at the Clerk to the Board's Office, County Government Center, W. Harmon Turner Building, Fourth Floor, 3301 East Tamiami Trail, Naples, Florida and in the offices of the Pelican Bay Services Division, 801 Laurel Oak Drive, Suite 605, Naples, Florida, and is open to the inspection of the public.

All affected property owners have a right to appear and be heard at the public hearing and to

file written objections to the adoption of a resolution approving the Preliminary Assessment Roll (Non-ad Valorem Assessment Roll) with the Board within 20 days of this notice based upon the grounds that it contains items which cannot be properly assessed against property, that the computation of the special assessment is incorrect, or there is a default or defect in the passage or character of the resolution, or the Preliminary Assessment (Non-ad Valorem Assessment) is void or voidable in whole or part, or that it exceeds the power of the Board. At the completion of the hearing, the Board shall either annul or sustain or modify in whole or in part the Preliminary Assessment (Non-ad Valorem Assessment) as indicated on such roll, either by confirming the Preliminary Assessment (Non-ad Valorem Assessment) against any or all lots or parcels described therein or by canceling, increasing, or reducing the same, according to the special benefits which the Board decides each such lot or parcel has received or will receive on account of such improvements. The assessment so made shall be final and conclusive as to each lot or parcel assessed unless proper steps are taken within twenty (20) days with a court of competent jurisdiction to secure relief.

The Board will levy a Special Assessment (Non-ad Valorem Assessment) for operations and maintenance of the water management system and the beautification of the recreational areas and median areas, and maintenance of conservation and preserve areas utilizing an Equivalent Residential Unit based methodology. The total assessment for maintenance of the water management system, beautification of recreational facilities, and median areas, and maintenance of conservation or preserve areas is **\$2,574,100.00** which equates to **\$337.88** per Equivalent Residential Unit based on **7618.29** assessable units.

The Board will levy a Special Assessment (Non-ad Valorem Assessment) for the establishment of Capital Reserve Funds for ambient noise management, the maintenance and restoration of the conservation or preserve areas, U.S. 41 berm improvements within the Unit, street

sign replacement within the median areas, landscaping improvements and U.S. 41 entrance improvements within the Unit, utilizing an Equivalent Residential Unit based methodology. The total assessment for these Capital Reserve Funds is **\$459,000.00** which equates to **\$60.25** per Equivalent Residential Unit based on **7618.29** assessable units.

The Special Assessment (Non-ad Valorem Assessment) will be collected by the Collier County Tax Collector on the owner's Ad Valorem Tax Bill pursuant to Section 197.3632, Florida Statutes. Failure to pay the Special Assessment (Non-ad Valorem Assessment) and your property taxes will cause a tax certificate to be sold against the property, which may result in a loss of title to the property.

Any person who decides to appeal a decision of the Board will need a record of the proceedings pertaining thereto and therefore may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA  
FRED W. COYLE, CHAIRMAN  
DWIGHT E. BROCK, CLERK

By: /s/ Patricia L. Morgan  
Deputy Clerk

(SEAL)

**SECTION FIVE.** The Clerk is hereby directed to record this Resolution in the minutes of this Board.

**SECTION SIX.** This Resolution shall become effective immediately upon its passage.

THIS RESOLUTION ADOPTED after motion, second and majority vote favoring same, this  
14 day of June, 2011.

ATTEST  
DWIGHT E. BROCK, CLERK

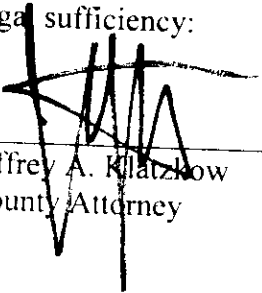
By: Ann J. O.C.  
Deputy Clerk

Attest as to Chairman's  
signature only.

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

By: Fred W. Coyle  
FRED W. COYLE, CHAIRMAN

Approved as to form and  
legal sufficiency:

  
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Jeffrey A. Kilatzkow  
County Attorney